

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Appln. No. 10/040,621
Attorney Docket No. Q67687

REMARKS

Claims 1-33 and 35 are all the claims pending in the application. By this Amendment, Applicant amends claims 1 and 2 to include the features of claim 34 in order to clarify the invention. Accordingly, Applicant cancels claim 34. In addition, Applicant amends claim 35 for conformity with the amendment made to claim 1.

Claims 1-12, 14-18, 23, and 24 presently stand rejected under 35 U.S.C. § 103 and claims 13, 19-22, and 25-35 contain allowable subject matter. Applicant does not acquiesce to the Examiner's reasons for allowance of claims 13, 19-22, and 25-35.

Of the rejected claims, only claims 1 and 2 are independent. Independent claims 1 and 2 recite some variation of the predetermined weighting factor applied to each texture distance being determined based on an area of an initial sample region extracted from the query image and an area of a sample region extracted from each data image. As acknowledged by the Examiner, the prior art of record fails to disclose or suggest these unique features, which are now set forth in claims 1 and 2 (*see* page 19 of the Final Office Action mailed August 10, 2005). For at least this exemplary reason, claims 1 and 2 are patentable over the prior art of record. Claims 3-12, 14-18, 23, and 24 are patentable at least by virtue of their dependency on claim 2.

Entry and consideration of this Amendment is respectfully requested. Allowance of this application is now believed to be in order, and such action is hereby solicited. If any points remain in issue, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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Date: December 12, 2005

Attorney Docket No.: Q67687